IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3799 OF 2006

IN

SUIT NO.1811 OF 1994

Mr. Mohammed Hussein Merchant ....Plaintiffs.

vs.

Smt. Suhasini Vithoba

Navalkar and Ors. ....Defendants.

Mr. Sanjay Jain i/by.Ranjit & Co. for the plaintiffs to show cause.

Mr.R.S. Dias for defendant nos.2,6 and 7.

CORAM: S.J. VAZIFDAR, J.

NOVEMBER 13, 2006.

P.C. :

1. The Notice of Motion is filed to set aside an ex-parte order dated 16.08.2004. By the said order, the suit was directed to be placed for ex-parte decree on 25.08.2004. The matter was also directed

to be listed under the caption ‘Un-defended Suits’. It appears that thereafter the matter appeared on board on above 20 occasions. Even today there is no application for filing a written statement.

2. The Notice of Motion is therefore unsustainable and not maintainable. In the circumstances, Notice of Motion is dismissed.

sd/-

(S.J.VAZIFDAR, J)